

ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE THE PROPERTY TRANSFER AGREEMENT WITH THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION, AND SUBSEQUENTLY, SUBJECT TO REVIEW AND APPROVAL BY THE CITY ATTORNEY, TO EXECUTE ANY DEEDS TO PROVIDE FOR THE TRANSFER OF CERTAIN PROPERTIES OWNED IN FEE BY THE CITY OF SANTA BARBARA REQUIRED FOR THE STATE HIGHWAY ROUTE 101 MILPAS STREET TO HOT SPRINGS ROAD OPERATIONAL IMPROVEMENTS PROJECT, AND ACCEPTING THE OWNERSHIP IN FEE OF CERTAIN NON-FREEWAY PROPERTIES TO BE RELINQUISHED BY THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION, UNDERLYING AND ADJACENT TO THE ROUNDABOUT AT MILPAS STREET, NOW EXISTING ADJACENT TO STATE HIGHWAY.

WHEREAS, in connection with the Coastal Development Permit approved by Resolution No. 059-04 of the Planning Commission on December 16, 2004, the State of California, acting by and through the Department of Transportation (hereinafter "Caltrans"), has designed and obtained all required permits for the construction of the Highway 101 Operational Improvements Project between Milpas Street and Hot Springs Road (hereinafter "Freeway Project");

WHEREAS, the Freeway Project has been approved by the City as set forth in the Freeway Agreement with Caltrans approved by Council on February 13, 2007, approved as Agreement No. 22,314;

WHEREAS, the construction by Caltrans of the Freeway Project has begun, which includes the necessary transfer of certain portions of streets owned in fee by the City for alteration and improvement by Caltrans in connection with Freeway Project;

WHEREAS, the portions of streets owned by the City and required by Caltrans are generally located within or adjacent to the Freeway Project for State Route 101, and referred to as an existing freeway portion of Milpas Street located southeasterly of the existing roundabout at Milpas Street, a portion of the unnamed City street at the Route 101 southbound onramp easterly of Milpas Street, an untraveled portion of Alisos Street southeasterly of State Route 101, and a dead-end portion of Indio Muerto Street Southwesterly of State Route 101;

WHEREAS, the Charter of the City requires approval to dispose any City fee-owned properties by adoption by Council of an approving ordinance;

WHEREAS, this Ordinance upon its adoption by Council will provide authorization for the City Administrator to execute and deliver the Property Transfer Agreement to Caltrans, and subject to approval by the City Attorney, to execute and deliver to Caltrans the deeds required by Caltrans for the Freeway Project;

WHEREAS, following the completion of the Freeway Project, Caltrans intends to relinquish to the City certain portions of properties adjacent to State Route 101 owned in fee by Caltrans, which includes the intended transfer to the City by Caltrans of its excess non-freeway properties underlying the existing roundabout at Milpas Street, and the portions of properties underlying and near the roundabout being constructed at the intersection of Coast Village Road, Hot Springs Road and Old Coast Highway, which are referred to for convenience in the Property Transfer Agreement as Relinquishment Area Parcel One and Relinquishment Area Parcel Two; and

WHEREAS, at the appropriate time, the foregoing properties underlying the existing roundabout at Milpas Street and the Relinquishment Area Parcel One and Relinquishment Area Parcel Two, deemed by Caltrans to become excess to the Freeway Project, will be formally offered to the City, the intended acceptance of which by the City may be demonstrated by adoption of a resolution by Council prepared for such purpose in addition to and concurrently with its adoption of this Ordinance.

NOW THEREFORE, THE COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. The Property Transfer Agreement between the City of Santa Barbara and the State of California, acting by and through the Department of Transportation, which provides for the transfer by the City to Caltrans of the foregoing portions of streets owned by the City, is hereby approved, and the City Administrator is authorized to execute any documents related to said transfer of properties for the Freeway Project.

SECTION 2. Subject to review and approval by the City Attorney, the City Administrator is authorized to execute any required deeds prepared by Caltrans for such purposes.

SECTION 3. Following the effective date of this Ordinance, the City Clerk is authorized to deliver the Property Transfer Agreement executed by the City Administrator to Caltrans for its final execution.

SECTION 4. Following the effective date of this Ordinance, the City Clerk is authorized to deliver to Caltrans any deeds prepared by Caltrans and executed by the City Administrator for acceptance, final execution and recordation in the Official Records, in the office of the County Recorder, Santa Barbara County.

SECTION 5. Following the effective date of this Ordinance, the City Clerk is authorized to deliver to Caltrans a certified copy of the resolution by Council adopted concurrently with this Ordinance to demonstrate acceptance by the City of Santa Barbara of the excess properties approved by the California Transportation Commission (CTC) to be relinquished, for attachment the resolution by the CTC at the time of its recordation in the Official Records, in the office of the County Recorder, Santa Barbara County.

SECTION 6. The City of Santa Barbara, in connection with the State Route 101 Milpas Street to Hot Springs Operational Improvements Project, the Freeway Project, now under construction, and in connection a certain Property Transfer Agreement between the City and the State of California, Department of Transportation, approved at or about the time of this resolution, hereby declares its intent to accept the ownership in fee of certain non-freeway properties underlying superseded portions of the Freeway Project, now owned by the State of California, being the non-freeway portions of property located at and near the roundabout at Milpas Street, now existing adjacent to State Route 101, and being the non-freeway portions of property near the roundabout project now undergoing construction at the intersection of Coast Village Road, Hot Springs Road and Old Coast Highway, each of which will be offered to the City and described with specificity in a resolution by the California Transportation Commission following the completion of said Freeway Project and said Roundabout Project, to cause the relinquishment of such areas to the City of Santa Barbara, a municipal corporation.

SECTION 7. The City of Santa Barbara, without further action, hereby consents to the recordation by the State of California in the official Records of Santa Barbara County of any resolution adopted by the State of California for such purposes.